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25 Attorneys for Defendants/Counter-Plaintiffs
 26 Lucent Technologies Inc. and
 27 Alcatel-Lucent, S.A.

28 UNITED STATES DISTRICT COURT

29 NORTHERN DISTRICT OF CALIFORNIA

30 SAN JOSE DIVISION

31

32 SANDISK CORPORATION,

33 Plaintiff,

34 vs.

35 LUCENT TECHNOLOGIES INC. and
 36 ALCATEL-LUCENT, S.A.,

37 Defendants.

38 AND RELATED COUNTERCLAIM

39 A/72353733.1/3002631-0000326417

40 No. C 07-03618 JF

41 STIPULATION AND [PROPOSED]
 42 ORDER TO CONTINUE HEARING

43 Date: December 21, 2007
 44 Time: 9:00 a.m.
 45 Location: Courtroom 3

1 Pursuant Civil L.R. 6-1(a) and Civil L.R. 7-7(b)(1), the parties stipulate to the
2 following:

3 WHEREAS, on July 17, 2007, this action for declaratory judgment of patent non-
4 infringement and invalidity was commenced in United States District Court, Northern District
5 of California, San Jose Division;

6 WHEREAS, on October 12, 2007, defendants Lucent Technologies, Inc. and
7 Alcatel Lucent, S.A. (collectively "Lucent") filed a Motion to Dismiss Without Prejudice or
8 Stay Pending Resolution of Appeal in Related Case ("Lucent's Motion");

9 WHEREAS, on October 26, 2007, plaintiff SanDisk Corporation ("SanDisk")
10 filed a Motion for Summary Judgment and a Motion to Dismiss Lucent's Counterclaim;

11 WHEREAS, on November 30, 2007, the Court heard argument on SanDisk's
12 Motions, and took the motions under submission. The Court also set a Case Management
13 Conference for January 25, 2008;

14 WHEREAS, the hearing on Lucent's Motion is calendared for December 21,
15 2007;

16 WHEREAS, for efficiency, SanDisk requested, and Lucent agreed, to continue
17 the hearing on Lucent's Motion until January 25, 2008, the date of the Court ordered CMC;

18 WHEREAS, the parties have not previously stipulated to continue the hearing.

19 NOW THEREFORE, it is STIPULATED, AGREED AND ORDERED as
20 follows:

21 The hearing on defendant Lucent's Motion to Dismiss Without Prejudice or Stay
22 Pending Resolution of Appeal in Related Case will be continued to January 25, 2008 at a time
23 to be determined by the Court.

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A/72353733.1/3002631-0000326417

1 DATED: December 17, 2007
2

3 Bingham McCutchen LLP
4

5 By: /s/ Gregory L. Lippetz
6 Gregory L. Lippetz
7 Attorneys for Plaintiff/Counter-Defendant
SanDisk Corporation
8

9 DATED: December 17, 2007
10

11 Kirkland & Ellis LLP
12

13 By: /s/ Jenny N. Lee
14 Jenny N. Lee
15 Attorneys for Defendants/Counter-Plaintiffs
Lucent Technologies Inc. and
Alcatel-Lucent, S.A.
16

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.
18

19 DATED: _____
20

21 By: _____
22 THE HONORABLE JEREMY FOGEL
23 UNITED STATES DISTRICT JUDGE
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